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FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 7337
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8671
RUEHCV/AMEMBASSY CARACAS PRIORITY 1712
RUEHPE/AMEMBASSY LIMA PRIORITY 7027
RUEHZP/AMEMBASSY PANAMA PRIORITY 3064
RUEHQT/AMEMBASSY QUITO PRIORITY 7749
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RUEAWJC/DEPT OF JUSTICE WASHDC PRIORITY
RHMFISS/FBI WASHINGTON DC PRIORITY
RHMFISS/CDR USSOUTHCOM MIAMI FL PRIORITY

UNCLAS BOGOTA 000613

SIPDIS

E.O. 12958: N/A
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SUBJECT: DEFENSE MINISTRY REACHES OUT TO DIPLOMATIC CORPS
ON LEGARDA KILLING

REF: A. 2008 BOGOTA 4457
[1](#)B. 2008 BOGOTA 4485

SUMMARY

[1](#)1. (SBU) The Defense Ministry (MOD) invited members of the diplomatic corps to a February 20 briefing on the events surrounding the December 16 killing of Jose Legarda--husband of Cauca indigenous leader Aida Quilcue. Vice Minister Jaramillo said that the killing was accidental, but accepted that the peasant soldiers involved did not comply with GOC procedures for setting up road blocks and used excessive force. He said the MOD will take steps to clarify rules of engagement and increase training to avoid future incidents. Still, the indigenous community--supported by a group of European parliamentarians--has called for an international investigation. End Summary.

OUTREACH TO DIPLOMATIC CORPS

[1](#)2. (SBU) On February 20 the MOD invited representatives from the U.S. and European missions to attend a briefing on the events surrounding the December 16 death of Jose Edwin Legarda Velasquez--the husband of Cauca regional indigenous council (CRIC) leader Aida Quilcue. Vice Minister Sergio Jaramillo and MOD human rights director Colonel Juan Gomez organized the briefing, which was attended by representatives from the Dutch, Canadian, Swedish, UK and Spanish Embassies. The MOD briefers gave a detailed, multi-media presentation with photos and maps reconstructing the scene of the incident. Jaramillo asserted the meeting was as an exercise in MOD transparency, and that he would welcome regular human rights meetings with the international community.

MOD EXPLAINS VERSION OF EVENTS

[1](#)3. (SBU) Jaramillo said the squad of seven soldiers from the 29th Brigade was present in the Totoro municipality of Cauca on December 16 due to reports of FARC presence in the area. The FARC's Jacobo Arenas Mobile Column and its militia had repeatedly attacked power line towers over the past three years, resulting in significant losses. Approximately two weeks before the incident, a young girl from a neighboring municipality had been kidnapped by men in an SUV with tinted windows. She was later found dead. The military was alert for a vehicle matching this description and on the morning of the incident, the sergeant commanding the squad said he received a call on his cell phone warning him to be on the

lookout for this SUV. As a result, he extended his patrol to a section of the highway to Popayan. The prosecutor general's office (Fiscalia) has confiscated the cell phone as part of its investigation.

14. (SBU) The MOD briefers said that at approximately 5:00am an unmarked SUV approached the soldiers who were guarding the highway. The squad did not have a formal checkpoint with signs in place. One soldier approached the car and signaled for it to stop. When the car continued, another fired a warning shot in the air. A third soldier said he mistook this shot as having come from the car, and opened fire. Several other soldiers also then began to shoot. Some 17 shots hit the car from several angles. Legarda was able to drive for a few miles before the car stopped. He was then taken to a local hospital in Totoro where he died. A nurse riding in the passenger seat survived and has testified to the Fiscalía. Jaramillo said Fiscalía officials arrived an hour after the incident, and the MOD was cooperating fully with Fiscalía investigators. The seven soldiers are in the local army barracks awaiting the investigation's results.

LESSONS LEARNED

15. (SBU) Jaramillo and Gomez said that based on what they had learned so far, the soldiers committed a grave error but did not act in bad faith. Jaramillo discounted the idea that the Colombian military targeted Quilcue, pointing out that she had met many times with the GOC and the MOD. Still, Jaramillo acknowledged that the soldiers used excessive force, noting that soldiers are not authorized to fire at vehicles that breach military checkpoints. Gomez said there

should have been a formal, marked checkpoint in place rather than an ad-hoc roadblock. Jaramillo said steps have been taken to clarify rules of engagement and to increase training to avoid similar "chain reaction" accidents in the future. Unlike in the Soacha cases, Jaramillo said the MOD has not launched an administrative investigation because the facts did not warrant such an action at this point.

CALLS FOR AN INTERNATIONAL INVESTIGATION

16. (SBU) Jaramillo said the GOC wants to improve relations with Colombia's indigenous communities. He said that despite the community's history of radicalism, the military enjoyed good relations with the Cauca community. When the army had earlier sought to withdraw soldiers from the region, the community had vigorously objected. Jaramillo cited the public apologies of President Uribe and Defense Minister Santos, as well as additional protection offered to the Cauca indigenous after the incident. Still, despite the GOC outreach, the indigenous community remains angry and has called for an international investigation. A group of 29 European parliamentarians also sent a letter to President Uribe condemning Legarda's killing, demanding an international investigation, requesting that the GOC respect earlier accords signed with the indigenous community, and calling on Colombia to ratify the UN Declaration on the Rights of Indigenous Peoples.

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